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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,359	05/23/2006	Gary James Astill	AJO-109-A	1721

48980 7590 09/27/2007  
YOUNG & BASILE, P.C.  
3001 WEST BIG BEAVER ROAD  
SUITE 624  
TROY, MI 48084

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2862

NOTIFICATION DATE	DELIVERY MODE
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09/27/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com  
audit@youngbasile.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,359	<b>Applicant(s)</b> ASTILL, GARY JAMES	
	<b>Examiner</b> Christopher E. Mahoney	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>May 2006, Sep 2006 Mar 2007</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement filed September 18, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The International search report, PCT/US87/01301, cited on the September 18, 2006 IDS has not been considered because no copy of the search report has been received.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asterö (U.S. Pat. No. 4,339,175) in view of Rain (U.S. Pat. No. 4,022,522) and further in view of Capetta (U.S. Pat. No. 3,037,424). Asterö teaches a collapsible projection screen comprising a projection layer 1 formed of a flexible sheet of fabric and a flexible hoop 3 for supporting the projection layer in tension during use, wherein at least part of the tensioned

Art Unit: 2862

projection layer has a front projection surface 1 adapted to have an image projected thereon and a corresponding rear surface 2. Both the projection layer 1 and the backing layer 2 are within the hoop 3. Asterö does not teach that the fabric is a knitted fabric. Rain teaches in col. 3, lines 20-23 that it was known to use a woven/knitted fabric as the projection layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Rain for the purpose of utilizing readily available materials. Using readily available materials reduces costs. Asterö teaches the salient features of the claimed invention except for a backing layer which absorbs light. Capetta teaches that it was known to provide a backing layer (layer V) to absorb light. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Capetta for the purpose of improving contrast.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asterö (U.S. Pat. No. 4,339,175) in view of Rain (U.S. Pat. No. 4,022,522) and Capetta (U.S. Pat. No. 3,037,424) as applied to claims 1-3, 5, 7, 8, 10, and 12 above, and further in view of Matsuda. Asterö in view of Rain and Capetta teaches the salient features of the claimed invention except for using a black coloration. Instead the combination teaches using a dark blue coloration. Matsuda teaches in col. 6, lines 56-58 that it was known to use a black colored pigment instead of a dark blue colored pigment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Matsuda for the purpose of increased light absorption and/or different color correction.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asterö (U.S. Pat. No. 4,339,175) in view of Rain (U.S. Pat. No. 4,022,522) and Capetta (U.S. Pat. No. 3,037,424)

Art Unit: 2862

as applied to claims 1-3, 5, 7, 8, 10, and 12 above, and further in view of Spector. Asterö in view of Rain and Capetta teaches the salient features of the claimed invention except for means for suspension. Spector teaches in figure 1, means for suspension 15 as an alternative to placing on the floor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Spector for the purpose of providing a raised display.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2862

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'C. Mahoney', with a stylized flourish at the end.

Christopher E Mahoney  
Primary Examiner  
Art Unit 2862